

AMENDED IN ASSEMBLY AUGUST 28, 2000

AMENDED IN ASSEMBLY JUNE 15, 2000

AMENDED IN SENATE MAY 2, 2000

AMENDED IN SENATE MAY 1, 2000

SENATE BILL

No. 2030

Introduced by Senator Figueroa

February 25, 2000

An act to amend Sections 6706, 6710, 6712, 6714, ~~6716~~, 6717, 6730.2, 6735, 6735.3, 6735.4, 6738, 6741, 6755.1, 6756, 6760, ~~6775~~, ~~6776~~, 6787, ~~6795~~, ~~6799~~, 8708, 8729, 8741.1, 8747, 8751, 8753, ~~8761~~, 8773.4, 8775, ~~8780~~, 8781, and 8792, ~~8801~~, and ~~8805~~ of, to add Sections 6704.1, 6731.5, 6731.6, 6763.1, 6775.1, and 8780.1 to, and to repeal Sections 6735.2 and 6755.2 of, the Business and Professions Code, relating to professional engineers and land surveyors, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 2030, as amended, Figueroa. Engineers and land surveyors.

(1) Existing law establishes within the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors that is empowered to adopt rules and regulations governing the regulation and the registration and licensure of engineers and land surveyors. Under existing law, the provisions creating the board and enumerating some of its powers will become inoperative on July 1, 2001, and will be repealed on January 1, 2002.

This bill would change these dates, making these provisions become inoperative on July 1, ~~2003~~ 2002, and repealing these provisions on January 1, ~~2004~~ 2003.

(2) Existing law provides for the licensing and regulation of engineers and land surveyors. Existing law permits the Board for Professional Engineers and Land Surveyors to determine the scope of practice for electrical and mechanical engineers.

This bill would delete that authority, and would describe the scope of practice of those 2 branches of engineering.

(3) Existing law permits the board to adopt rules and regulations necessary to govern its action, and permits the board to discipline professional engineers and licensed land surveyors.

This bill would permit the board to adopt rules and regulations relating to professional conduct in the engineering and land surveying professions, and would revise the provisions relating to reproofing, revoking, or suspending a professional engineers' certificate or licensed land surveyor's license. This bill would require the department to review certain engineering branch titles to determine whether to eliminate or convert any of them to practice acts and report its findings and recommendations to the Legislature by September 1, 2001.

~~(4) Existing law provides for a 4-year renewable license for professional engineers and land surveyors, and provides for application fees for certification or licensure.~~

~~This bill would require license renewal every 2 years, and would increase the maximum fees that may be charged for licensing and certification. Those fees would be deposited in the Professional Engineer's and Land Surveyor's Fund, a continuously appropriated fund, thereby making an appropriation.~~

~~(5) Existing law makes a violation of the regulatory provisions of the Professional Engineers Act and the Professional Land Surveyor's Act a misdemeanor.~~

This bill would make practicing as a professional engineer or a land surveyor with a suspended certificate a misdemeanor. This bill would also make representing oneself as a professional land surveyor, licensed land surveyor, or land

surveyor, without having been licensed or certified, or acting as a manager, proprietor, or agent in a place of business performing land surveying work, except as specifically permitted, a misdemeanor.

~~(6)~~

(5) Under existing law, a registered civil engineer is not responsible for damages caused by subsequent changes to or uses of civil engineering plans, specifications, or reports that the registered civil engineer signed if he or she did not authorize the subsequent changes or uses and the engineering service he or she provided was not also a proximate cause of the damage.

This bill would apply these provisions to electrical and mechanical engineers so that they would not be responsible for damages caused, respectively, by subsequent changes to or uses of electrical or mechanical plans, specifications, or reports that they had signed if they did not authorize the subsequent changes or uses, and the engineering service they provided was not also a proximate cause of the damage.

~~(7)~~

(6) Existing law generally requires registration by the Board for Professional Engineers and Land Surveyors within the Department of Consumer Affairs in order to lawfully practice in this state as a civil, electrical, or mechanical engineer. Under existing law, an exemption from this registration requirement is made for a nonresident person, firm, partnership, or corporation who is legally qualified in another state to practice civil engineering and only offers to, but does not practice, civil engineering in this state and who meets other specified requirements.

This bill would extend this same registration exemption to a nonresident person, firm, partnership, or corporation who is legally qualified in another state to practice electrical or mechanical engineering and only offers to, but does not practice, electrical or mechanical engineering in this state.

~~(8)~~

(7) Under existing law, the examinations administered by the board for registration as a professional engineer and for licensure as a professional land surveyor consist of 2 divisions, the 2nd of which includes questions to test the applicant's



knowledge of state laws and the board's rules and regulations. Existing law requires that these questions be based upon information contained in a pamphlet prepared and distributed by the board to the applicants.

This bill would delete the requirement that the 2nd division of the examinations be based upon the information contained in this pamphlet.

~~(9)~~

(8) Under existing law, the board may issue to applicants who are legally qualified to practice as a professional engineer or as a land surveyor in another state or country a temporary authorization, for a period of 60 consecutive days, to practice as a professional engineer or a professional land surveyor for a specific project in this state. Under existing law, the board may extend the temporary authorization for a period not to exceed 120 consecutive days.

This bill would make the duration of the temporary authorization 120 consecutive days upon its issuance; would require the applicant to pass the second division portion of the registration or licensure examination that covers state laws and the board's rules and regulations; would require the applicant to notify the board of the approximate commencement date and duration of the specific project for which the temporary authorization to practice is requested; and would specify that the applicant is required to demonstrate to the board knowledge in his or her particular profession as it relates to the specific project for which the temporary authorization to practice is sought.

~~(10)~~

(9) Under existing law, the board is authorized to take disciplinary action against registered professional engineers and licensed land surveyors for specified acts of misconduct. Existing law also authorizes the board to issue to applicants who have passed the first division of the examination for registration as a professional engineer or licensure as a land surveyor, an engineer-in-training certificate or a land surveyor-in-training certificate, respectively. Under existing law, the engineer-in-training certificate becomes invalid upon the holder being registered with the board as a professional engineer.



This bill would authorize the board to receive and investigate complaints concerning persons holding these certificates and to take disciplinary action against them for specified acts of misconduct. This bill would also make the land surveyor-in-training certificate invalid upon the holder being licensed by the board as a land surveyor.

~~(11)~~

(10) Existing law prohibits any person who is not licensed under the provisions of the Professional Land Surveyors Act from using specified professional titles and makes a violation of this provision a crime.

This bill would additionally prohibit an unlicensed person from using any combination or abbreviation of the words in these professional titles. By adding this provision, this bill would expand the scope of an existing crime and thereby impose a state-mandated local program.

~~(12)~~

(11) Existing law provides a “good samaritan” immunity with respect to liability in negligence for personal injury, wrongful death, or property damage for an engineer, who voluntarily and without compensation provides structural inspection services at the scene of a declared national, state, or local emergency caused by earthquake at the request of certain public officials. This bill would expand this immunity to also apply to declared emergencies involving flood, riot, or fire.

~~(13)~~

(12) Existing law regulates the use of certain professional titles relative to engineering and land surveying. ~~This~~

This bill would make various changes to these provisions.

~~(14)~~

(13) Existing law exempts an architect who holds an appropriate certificate from registration under the Professional Engineers’ Act insofar as he or she is practicing architecture.

This bill in this regard would provide that an architect may not use various professional engineering titles, unless he or she holds a license issued by the board.

~~(15)~~



(14) Existing law specifies various violations under both acts that are misdemeanors.

This bill would make various changes to these provisions.

~~(16)~~

(15) Existing law requires that 5 of the 13 board members be registered under this chapter.

This bill would require that one of those members be from a local public agency and that one be from a state agency.

~~(17)~~

(16) Existing law requires a person who wants to use the title “structural engineer” to submit an application to the board and pay a fee.

This bill would require an applicant to have successfully passed a written national examination and a supplemental California specific examination.

This bill would make other related changes.

Because a violation of certain provisions of this bill would be a crime, this bill would impose a state-mandated local program by expanding the definition of a crime.

~~(18)~~

(17) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~yes~~ *no*. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6704.1 is added to the Business
2 and Professions Code, to read:

3 6704.1. (a) The Department of Consumer Affairs, in
4 conjunction with the board, and the Joint Legislative
5 Sunset Review Committee shall review the engineering
6 branch titles specified in Section 6732 to determine
7 whether certain title acts should be eliminated from this
8 chapter, retained, or converted to practice acts similar to
9 civil, electrical, and mechanical engineering, and

1 whether supplemental engineering work should be
2 permitted for all branches of engineering. The
3 department shall contract with an independent
4 consulting firm to perform this comprehensive analysis of
5 title act registration.

6 (b) The independent consultant shall perform, but not
7 be limited to, the following: (1) meet with
8 representatives of each of the engineering branches and
9 other professional groups; (2) examine the type of
10 services and work provided by engineers in all branches
11 of engineering and interrelated professions within the
12 marketplace, to determine the interrelationship that
13 exists between the various branches of engineers and
14 other interrelated professions; (3) review and analyze
15 educational requirements of engineers; (4) identify the
16 degree to which supplemental or “overlapping” work
17 between engineering branches and interrelated
18 professions occurs; (5) review alternative methods of
19 regulation of engineers in other states and what impact
20 the regulations would have if adopted in California; (6)
21 identify the manner in which local and state agencies
22 utilize regulations and statutes to regulate engineering
23 work; and, (7) recommend changes to existing laws
24 regulating engineers after considering how these
25 changes may effect the health, safety, and welfare of the
26 public.

27 (c) The board shall reimburse the department for
28 costs associated with this comprehensive analysis. The
29 department shall report its findings and
30 recommendations to the Legislature by September 1,
31 2001.

32 SEC. 2. Section 6706 of the Business and Professions
33 Code is amended to read:

34 6706. (a) An engineer who voluntarily, without
35 compensation or expectation of compensation, provides
36 structural inspection services at the scene of a declared
37 national, state, or local emergency caused by a flood, riot,
38 fire, or earthquake at the request of a public official,
39 public safety officer, or city or county building inspector
40 acting in an official capacity shall not be liable in

1 negligence for any personal injury, wrongful death, or
2 property damage caused by the engineer's good faith but
3 negligent inspection of a structure used for human
4 habitation or owned by a public entity for structural
5 integrity or nonstructural elements affecting life and
6 safety.

7 The immunity provided by this section shall apply only
8 for an inspection that occurs within 30 days of the
9 declared emergency.

10 Nothing in this section shall provide immunity for gross
11 negligence or willful misconduct.

12 (b) As used in this section:

13 (1) "Engineer" means a person registered under this
14 chapter as a professional engineer, including any of the
15 branches thereof.

16 (2) "Public safety officer" has the meaning given in
17 Section 3301 of the Government Code.

18 (3) "Public official" means a state or local elected
19 officer.

20 SEC. 3. Section 6710 of the Business and Professions
21 Code is amended to read:

22 6710. (a) There is in the Department of Consumer
23 Affairs a Board for Professional Engineers and Land
24 Surveyors, which consists of 13 members.

25 (b) Any reference in any law or regulation to the
26 Board of Registration for Professional Engineers and
27 Land Surveyors is deemed to refer to the Board for
28 Professional Engineers and Land Surveyors.

29 (c) This section shall become inoperative on July 1,
30 ~~2003~~ 2002, and, as of January 1, ~~2004~~ 2003, is repealed,
31 unless a later enacted statute, that becomes effective on
32 or before January 1, ~~2004~~ 2003, deletes or extends the
33 dates on which it becomes inoperative and is repealed.
34 The repeal of this section renders the board subject to the
35 review required by Division 1.2 (commencing with
36 Section 473). However, the review of the board shall be
37 limited to only those unresolved issues identified by the
38 Joint Legislative Sunset Review Committee.

39 SEC. 4. Section 6712 of the Business and Professions
40 Code is amended to read:

6712. All appointments to the board shall be for a term of four years. Vacancies shall be filled by appointment for the unexpired term. Each appointment thereafter shall be for a four-year term expiring on June 1 of the fourth year following the year in which the previous term expired.

Each member shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. No person shall serve as a member of the board for more than two consecutive terms.

The Governor shall appoint professional members so that one is licensed to practice engineering as a civil engineer, one as an electrical engineer, one as a mechanical engineer, another is authorized to use the title of structural engineer, and one is a member of one of the remaining branches of engineering. One of the professional members registered under this chapter shall be from a local public agency, and one shall be from a state agency.

The Governor shall appoint five of the public members and the professional members qualified as provided in Section 6711. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member.

SEC. 5. Section 6714 of the Business and Professions Code is amended to read:

6714. The board shall appoint an executive officer at a salary to be fixed and determined by the board with the approval of the Director of Finance.

This section shall become inoperative on July 1, 2003 2002, and, as of January 1, 2004 2003, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2004 2003, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 6. Section 6716 of the Business and Professions Code is amended to read:~~

~~6716. (a) The board may adopt rules and regulations consistent with law and necessary to govern its action.~~

1 ~~These rules and regulations shall be adopted in~~
2 ~~accordance with the provisions of the Administrative~~
3 ~~Procedure Act.~~

4 ~~(b) The board may adopt rules and regulations of~~
5 ~~professional conduct that are not inconsistent with state~~
6 ~~or federal law. The rules and regulations shall include~~
7 ~~definitions of incompetence and negligence. Every~~
8 ~~person who holds a license or certificate issued by the~~
9 ~~board pursuant to this chapter shall be governed by these~~
10 ~~rules and regulations.~~

11 ~~(c) The board shall hold at least two regular meetings~~
12 ~~each year. Special meetings shall be held at such times as~~
13 ~~the board rules provide. A majority of the board~~
14 ~~constitutes a quorum. Except as otherwise provided by~~
15 ~~law, the vote required for any action of the board is a~~
16 ~~majority of the members present, but not less than five.~~

17 ~~SEC. 7.~~

18 *SEC. 6.* Section 6717 of the Business and Professions
19 Code is amended to read:

20 6717. The board may, by regulation, define the scope
21 of each branch of professional engineering other than
22 civil, electrical, and mechanical engineering for which
23 registration is provided under this chapter.

24 ~~SEC. 8.~~

25 *SEC. 7.* Section 6730.2 of the Business and Professions
26 Code is amended to read:

27 6730.2. It is the intent of the Legislature that the
28 registration requirements which are imposed upon
29 private sector professional engineers and engineering
30 partnerships, firms, or corporation shall be imposed upon
31 the state and any city, county, or city and county which
32 shall adhere to those requirements. Therefore, for the
33 purposes of Section 6730 and this chapter, at least one
34 registered engineer shall be designated the person in
35 responsible charge of professional engineering work for
36 each branch of professional engineering practiced in any
37 department or agency of the state, city, county, or city
38 and county.

39 Any department or agency of the state or any city,
40 county, or city and county which has an unregistered

1 person in responsible charge of engineering work on
2 January 1, 1985, shall be exempt from this requirement
3 until that time as the person currently in responsible
4 charge is replaced.

5 ~~SEC. 9.~~

6 SEC. 8. Section 6731.5 is added to the Business and
7 Professions Code, to read:

8 6731.5. (a) Electrical engineering is that branch of
9 professional engineering described in Section 6734.1 that
10 embraces studies or activities relating to the generation,
11 transmission, and utilization of electrical energy,
12 including the design of electrical, electronic, and
13 magnetic circuits, and the technical control of their
14 operation and of the design of electrical gear. It is
15 concerned with the research, organizational, and
16 economic aspects of the above.

17 (b) The design of electronic and magnetic circuits is
18 not exclusive to the practice of electrical engineering, as
19 defined in subdivision (a).

20 ~~SEC. 10.~~

21 SEC. 9. Section 6731.6 is added to the Business and
22 Professions Code, to read:

23 6731.6. Mechanical engineering is that branch of
24 professional engineering described in Section 6734.2 that
25 deals with engineering problems relating to generation,
26 transmission, and utilization of energy in the thermal or
27 mechanical form and also with engineering problems
28 relating to the production of tools, machinery, and their
29 products, and to heating, ventilation, refrigeration, and
30 plumbing. It is concerned with the research, design,
31 production, operational, organizational, and economic
32 aspects of the above.

33 ~~SEC. 11.~~

34 SEC. 10. Section 6735 of the Business and Professions
35 Code is amended to read:

36 6735. (a) All civil (*including structural and*
37 *geotechnical*) engineering plans, *calculations,*
38 specifications, and reports (*hereinafter referred to as*
39 *"documents"*) shall be prepared by, *or under the*
40 *responsible charge of*, a registered civil engineer, ~~or by a~~

1 ~~subordinate under his or her direction, and shall be signed~~
2 ~~by him or her to indicate his or her responsibility for~~
3 ~~them. In addition to the signature, all final include his or~~
4 ~~her license number. Interim documents shall include a~~
5 ~~notation as to the intended purpose of the document,~~
6 ~~such as “preliminary,” “not for construction,” “for plan~~
7 ~~check only,” or “for review only.” All civil engineering~~
8 ~~plans, and specifications, and reports that are permitted~~
9 ~~or that are to be released for construction shall bear the~~
10 ~~signature and seal or stamp of the registrant, the date of~~
11 ~~signing and sealing or stamping, and the expiration date~~
12 ~~of the certificate or authority. The registered civil~~
13 ~~engineer shall use together with his or her signature or~~
14 ~~seal, the title “civil engineer” or, if he or she has the~~
15 ~~authority, the title “structural engineer” or, if he or she~~
16 ~~has the authority, the title “soil engineer.” If the final All~~
17 ~~final civil engineering calculations and reports shall bear~~
18 ~~the signature and seal or stamp of the registrant, the date~~
19 ~~of signing and sealing or stamping, and the expiration~~
20 ~~date of the certificate or authority. If civil engineering~~
21 ~~plans, specifications, or reports are required to be signed~~
22 ~~and stamped or sealed and have multiple pages or sheets,~~
23 ~~the signature, seal or stamp, date of signing and sealing or~~
24 ~~stamping, and expiration date of the certificate or~~
25 ~~authority need only shall appear on the originals each~~
26 ~~sheet of the plans and on the original title sheet of the~~
27 ~~specifications and reports. If civil engineering~~
28 ~~specifications, calculations, and reports are required to be~~
29 ~~signed and sealed or stamped and have multiple pages,~~
30 ~~the signature, seal, or stamp, date of signing and sealing~~
31 ~~or stamping, and expiration date of the certificate or~~
32 ~~authority shall appear at a minimum on the title sheet,~~
33 ~~cover sheet, or signature sheet.~~

34 (b) Notwithstanding subdivision (a), a registered civil
35 engineer who signs civil engineering ~~plans, specifications,~~
36 ~~reports, or documents~~ shall not be responsible for damage
37 caused by subsequent changes to or uses of those ~~plans,~~
38 ~~specifications, reports, or documents,~~ if the subsequent
39 changes or uses, including changes or uses made by state
40 or local governmental agencies, are not authorized or

1 approved by the registered engineer who originally
2 signed the ~~plans, specifications, reports, or~~ documents,
3 provided that the engineering service rendered by the
4 civil engineer who signed the ~~plans, specifications,~~
5 ~~reports, or~~ documents was not also a proximate cause of
6 the damage.

7 ~~SEC. 12.~~

8 *SEC. 11.* Section 6735.2 of the Business and
9 Professions Code is repealed.

10 ~~SEC. 13.~~

11 *SEC. 12.* Section 6735.3 of the Business and
12 Professions Code is amended to read:

13 6735.3. (a) All electrical engineering plans,
14 specifications, *calculations, and* reports, ~~or documents~~
15 *(hereinafter referred to as "documents")* prepared by, *or*
16 *under the responsible charge of* a registered electrical
17 engineer ~~or by a subordinate under his or her direction~~
18 ~~shall be signed by the engineer to indicate his or her~~
19 ~~responsibility for them. In addition to his or her signature,~~
20 ~~the~~ *shall include his or her name and license number.*
21 *Interim documents shall include a notation as to the*
22 *intended purpose of the document, such as*
23 *"preliminary," "not for construction," "for plan check*
24 *only," or "for review only."* All electrical engineering
25 plans, *and specifications,* ~~reports, or documents~~ that are
26 *permitted or that are to be released for construction* shall
27 bear the signature and seal or stamp of the registrant, *the*
28 *date of signing and sealing or stamping,* and the
29 expiration date of the registration. All final electrical
30 engineering *calculations and reports* shall bear the
31 signature and seal or stamp of the registrant, *the date of*
32 *signing and sealing or stamping,* and the expiration date
33 *of the registration.* If ~~the final~~ electrical engineering
34 plans, ~~specifications, or reports~~ are required to be signed
35 and sealed or stamped and have multiple ~~pages or~~ sheets,
36 the signature, seal or stamp, *date of signing and sealing or*
37 *stamping,* and the expiration date of the certificate of
38 registration ~~need only~~ shall appear on ~~the originals each~~
39 ~~sheet of the plans and on the original title sheet of the~~
40 ~~specifications and reports.~~

(b) Notwithstanding subdivision (a), a registered electrical engineer who signs electrical engineering ~~plans, specifications, reports, or documents~~ shall not be responsible for damage caused by subsequent changes to or uses of those ~~plans, specifications, reports, or documents~~, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the registered engineer who originally signed the ~~plans, specifications, reports, or documents~~, provided that the engineering service rendered by the electrical engineer who signed the ~~plans, specifications, reports, or documents~~ was not also a proximate cause of the damage.

~~SEC. 14.~~

SEC. 13. Section 6735.4 of the Business and Professions Code is amended to read:

6735.4. (a) All mechanical engineering plans, specifications, *calculations, and reports,* ~~or documents~~ (*hereinafter referred to as "documents"*) prepared by, *or under the responsible charge of,* a registered mechanical engineer ~~or by a subordinate under his or her direction~~ shall be signed by the engineer to indicate his or her responsibility for them. ~~In addition to his or her signature,~~ *the shall include his or her name and license number.* *Interim documents shall include a notation as to the intended purpose of the document, such as "preliminary," "not for construction," "for plan check only," or "for review only." All mechanical engineering plans, and specifications,* ~~reports, or documents~~ shall bear the *signature and seal or stamp of the registrant, the date of signing and sealing or stamping,* and the expiration date of the registration. *All final mechanical engineering calculations and reports shall bear the signature and seal or stamp of the registrant, the date of signing and sealing or stamping, and the expiration date of the registration.* If ~~the final~~ mechanical engineering plans, ~~specifications, or reports~~ are required to be signed and sealed or stamped and have multiple ~~pages or sheets,~~ the signature, seal or stamp, *date of signing and sealing or stamping,* and the expiration date of the certificate of registration ~~need~~

~~only shall appear on the originals of the plans and on the original title sheet of the specifications and reports. If mechanical engineering specifications, calculations, and reports are required to be signed and sealed or stamped and have multiple pages, the signature, seal, or stamp, date of signing and sealing or stamping, and expiration date of the certificate or authority shall appear at a minimum on the title sheet, cover sheet, or signature sheet.~~

(b) Notwithstanding subdivision (a), a registered mechanical engineer who signs mechanical engineering ~~plans, specifications, reports, or documents~~ shall not be responsible for damage caused by subsequent changes to or uses of those ~~plans, specifications, reports, or documents~~, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the registered engineer who originally signed the ~~plans, specifications, reports, or documents~~, provided that the engineering service rendered by the mechanical engineer who signed the ~~plans, specifications, reports, or documents~~ was not also a proximate cause of the damage.

~~SEC. 15.~~

SEC. 14. Section 6738 of the Business and Professions Code is amended to read:

6738. (a) This chapter does not prohibit one or more civil, electrical, or mechanical engineers from practicing or offering to practice within the scope of their registration, civil, electrical, or mechanical engineering as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if all of the following requirements are met:

(1) A civil, electrical, or mechanical engineer currently registered in this state is an owner, part owner, or officer in charge of the engineering practice of the business.

(2) All engineering plans, specifications, reports, and documents are prepared under the responsible charge of a registered engineer in the appropriate branch of professional engineering.

1 (3) The business name of a California business shall
2 only contain the name of any person who is registered by
3 the board in a branch of professional engineering, a
4 licensed land surveyor, a licensed architect, or a geologist
5 registered under the Geologist Act (Chapter 12.5
6 (commencing with Section 7800)). Any offer, promotion,
7 or advertisement by the business which contains the
8 name of any individual in the business, other than by use
9 of the name of an individual in the business name, shall
10 clearly and specifically designate the license or
11 registration discipline of each individual named.

12 (b) An out-of-state business with a branch office in this
13 state shall meet the requirements of subdivision (a) and
14 shall have a part owner or officer who is in charge of the
15 engineering work in the branch in this state, who is
16 registered in this state, and who is physically present at
17 the branch office in this state on a regular basis. However,
18 the name of the business may contain the name of any
19 person not registered in this state if that person is
20 appropriately registered in another state. Any offer,
21 promotion, or advertisement which contains the name of
22 any individual in the business, other than by use of the
23 names of the individuals in the business name, shall
24 clearly and specifically designate the license or
25 registration discipline of each individual named.

26 (c) A fictitious name may be used for an engineering
27 business if (1) the name does not conflict with paragraph
28 (3) of subdivision (a) requiring that names used in the
29 business name shall be appropriately registered
30 individuals, and (2) an organization record form is filed
31 with the board.

32 (d) A nonregistered person may also be a part owner
33 or an officer of a civil, electrical, or mechanical
34 engineering business if the requirements of subdivision
35 (a) are met.

36 (e) This chapter does not prevent an individual or
37 business engaged in any line of endeavor other than the
38 practice of civil, electrical, or mechanical engineering
39 from employing or contracting with a registered civil,
40 electrical, or mechanical engineer to perform the

1 respective engineering services incidental to the conduct
2 of business.

3 (f) This section shall not prevent the use of the name
4 of any business engaged in rendering civil, electrical, or
5 mechanical engineering services, including the use by
6 any lawful successor or survivor, which lawfully was in
7 existence on December 31, 1987. However, the business
8 is subject to paragraphs (1) and (2) of subdivision (a), and
9 the business shall file an organization record form with
10 the board as designated by board rule.

11 (g) A business engaged in rendering civil, electrical, or
12 mechanical engineering services may use in its name the
13 name of a deceased or retired person provided all of the
14 following conditions are satisfied:

15 (1) The person's name had been used in the name of
16 the business, or a predecessor in interest of the business,
17 prior to and after the death or retirement of the person.

18 (2) The person shall have been an owner, part owner,
19 or officer of the business, or an owner, part owner, or
20 officer of the predecessor in interest of the business.

21 (3) The person shall have been licensed as a
22 professional engineer, or a land surveyor, or an architect,
23 or a geologist, (A) by the appropriate licensing board if
24 that person is operating a place of business or practice in
25 this state, or (B) by the applicable state board in the event
26 no place of business existed in this state.

27 (4) The person, if retired, has consented to the use of
28 the name and does not permit the use of the name in the
29 title of another professional engineering business in this
30 state during the period of the consent. However, the
31 retired person may use his or her name as the name of a
32 new or purchased business if it is not identical in every
33 respect to that person's name as used in the former
34 business.

35 (5) The business shall be subject to the provisions of
36 paragraphs (1) and (2) of subdivision (a).

37 (6) The business files a current organization record
38 form with the board.

39 (h) This section does not affect the provisions of
40 Sections 6731.2 and 8726.1.

1 ~~SEC. 16.~~

2 *SEC. 15.* Section 6741 of the Business and Professions
3 Code is amended to read:

4 6741. Any person, firm, partnership, or corporation is
5 exempt from registration under the provisions of this
6 chapter who meets all the following:

7 (a) Is a nonresident of the State of California.

8 (b) Is legally qualified in another state to practice as a
9 civil, electrical, or mechanical engineer.

10 (c) Does not maintain a regular place of business in
11 this state.

12 (d) Offers to but does not practice civil, electrical, or
13 mechanical engineering in this state.

14 ~~SEC. 17.~~

15 *SEC. 16.* Section 6755.1 of the Business and
16 Professions Code is amended to read:

17 6755.1. (a) The second division of the examination
18 for registration as a professional engineer shall include
19 questions to test the applicant's knowledge of state laws
20 and the board's rules and regulations regulating the
21 practice of professional engineering. The board shall
22 prepare and distribute to applicants for the second
23 division of the examination, a plain language pamphlet
24 describing the provisions of this chapter and the board's
25 rules and regulations regulating the practice of
26 professional engineering in this state. The board shall
27 administer the test on state laws and board rules
28 regulating the practice of engineering in this state as a
29 separate part of the second division of the examination for
30 registration as a professional engineer.

31 (b) On and after April 1, 1988, the second division of
32 the examination for registration as a civil engineer shall
33 also include questions to test the applicant's knowledge
34 of seismic principles and engineering surveying
35 principles as defined in Section 6731.1. No registration for
36 a civil engineer shall be issued by the board on or after
37 January 1, 1988, to any applicant unless he or she has
38 successfully completed questions to test his or her
39 knowledge of seismic principles and engineering
40 surveying principles.

1 The board shall administer the questions to test the
2 applicant's knowledge of seismic principles and
3 engineering surveying principles as a separate part of the
4 second division of the examination for registration as a
5 civil engineer.

6 It is the intent of the Legislature that this section
7 confirm the authority of the board to issue registrations
8 prior to April 1, 1988, to applicants based on examinations
9 not testing the applicant's knowledge of seismic
10 principles and engineering surveying principles as
11 defined in Section 6731.1.

12 ~~SEC. 18.~~

13 *SEC. 17.* Section 6755.2 of the Business and
14 Professions Code is repealed.

15 ~~SEC. 19.~~

16 *SEC. 18.* Section 6756 of the Business and Professions
17 Code is amended to read:

18 6756. (a) An applicant for certification as an
19 engineer-in-training shall, upon making a passing grade
20 in that division of the examination prescribed in Section
21 6755 of this chapter, relating to fundamental engineering
22 subjects, be issued a certificate as an engineer-in-training.
23 No renewal or other fee, other than the application fee,
24 shall be charged for this certification. The certificate shall
25 become invalid when the holder has qualified as a
26 professional engineer as provided in Section 6762 of this
27 chapter.

28 (b) An engineer-in-training certificate does not
29 authorize the holder thereof to practice or offer to
30 practice civil, electrical or mechanical engineering work,
31 in his own right, or to use the titles specified in Sections
32 6732 and 6763.

33 (c) No person shall use the title of
34 engineer-in-training, or any abbreviation of that title,
35 unless he or she is the holder of a valid
36 engineer-in-training certificate.

37 ~~SEC. 20.~~

38 *SEC. 19.* Section 6760 of the Business and Professions
39 Code is amended to read:

1 6760. A temporary authorization to practice
2 engineering in a branch defined by this chapter may be
3 granted for a specific project, upon application and
4 payment of the fee prescribed in Section 6799, for a
5 period not to exceed 180 consecutive days, if the applicant
6 complies with all of the following:

7 (a) The applicant maintains no place of business in this
8 state.

9 (b) The applicant is legally qualified to practice the
10 branch of engineering in which he or she is seeking the
11 temporary authorization in the state or country where he
12 or she maintains a place of business.

13 (c) (1) The applicant, if applying for a temporary
14 authorization to practice civil engineering, demonstrates
15 by means of an individual appearance before the board
16 satisfactory evidence of his or her knowledge of the
17 application of seismic forces in the design of structures or
18 adequate knowledge in any of the other phases of civil
19 engineering as related to the specific project for which
20 the temporary authorization is requested.

21 (2) The applicant, if applying for a temporary
22 authorization to practice engineering in a branch defined
23 by this chapter other than civil engineering,
24 demonstrates by means of an individual appearance
25 before the board, satisfactory evidence of his or her
26 knowledge in the branch of professional engineering in
27 which the applicant proposes to practice under the
28 temporary authorization as related to the specific project
29 for which the temporary authorization is requested.

30 (d) The applicant takes and passes the examination in
31 the state laws and board rules described in Section 6755.1.

32 (e) The applicant notifies the board in writing of his or
33 her intention to practice, stating the approximate date he
34 or she intends to commence the specific project and the
35 approximate duration of the specific project, which shall
36 not exceed 180 consecutive days from the
37 commencement date of the specific project.

38 Upon completion of the requirements, the executive
39 officer, on the direction of the board, shall issue a
40 temporary authorization to the applicant.

~~SEC. 21.~~

SEC. 20. Section 6763.1 is added to the Business and Professions Code, to read:

6763.1. An applicant to use the title “structural engineer” shall have successfully passed a written examination that incorporates a national examination for structural engineering by a nationally recognized entity approved by the board, *if available*, and a supplemental California specific examination. The California specific examination shall test the applicant’s knowledge of state laws, rules, and regulations, and of seismicity and structural engineering unique to practice in this state. The board shall use the national examination on or before December 31, 2004.

~~SEC. 22. Section 6775 of the Business and Professions Code is amended to read:~~

~~6775. The board may receive and investigate complaints against registered professional engineers, and make findings thereon.~~

~~By a majority vote, the board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:~~

~~(a) Who has been convicted of a crime substantially related to the qualifications, functions and duties of a registered professional engineer, in which case the certified record of conviction shall be conclusive evidence thereof.~~

~~(b) Who has been found guilty by the board of any deceit, misrepresentation, or fraud in his or her practice.~~

~~(c) Who has been found guilty by the board of negligence or incompetence in his or her practice.~~

~~(d) Who has been found guilty by the board of any breach or violation of a contract to provide professional engineering services.~~

~~(e) Who has been found guilty of any fraud or deceit in obtaining his or her certificate.~~

~~(f) Who aids or abets any person in the violation of any provision of this chapter.~~

~~(g) Who in the course of the practice of professional engineering has been found guilty by the board of having violated a rule or regulation of unprofessional conduct adopted by the board.~~

~~(h) Who violates any provision of this chapter.~~

~~SEC. 23.~~

SEC. 21. Section 6775.1 is added to the Business and Professions Code, to read:

6775.1. The board may receive and investigate complaints against engineers-in-training, and make findings thereon.

By a majority vote, the board may revoke the certificate of any engineer-in-training:

(a) Who has been convicted of a crime as defined in subdivision (a) of Section 480.

(b) Who has been found guilty of any fraud, deceit, or misrepresentation in obtaining his or her engineer-in-training certificate or certificate of registration, certification, or authority as a professional engineer.

(c) Who aids or abets any person in the violation of any provision of this chapter.

(d) Who violates Section 119 with respect to an engineer-in-training certificate or commits any act described in Section 6787.

(e) Who violates any provision of this chapter.

~~SEC. 24.~~

SEC. 22. Section 6776 of the Business and Professions Code is amended to read:

6776. The proceedings under this article shall be conducted in accordance with Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

~~SEC. 25.~~

SEC. 23. Section 6787 of the Business and Professions Code is amended to read:

6787. Every person is guilty of a misdemeanor:

1 (a) Who, unless he or she is exempt from registration
2 under this chapter, practices or offers to practice civil,
3 electrical, or mechanical engineering in this state
4 according to the provisions of this chapter without legal
5 authorization.

6 (b) Who presents or attempts to file as his or her own
7 the certificate of registration of a licensed professional
8 engineer unless he or she is the person named on the
9 certificate of registration.

10 (c) Who gives false evidence of any kind to the board,
11 or to any member thereof, in obtaining a certificate of
12 registration.

13 (d) Who impersonates or uses the seal of a licensed
14 professional engineer.

15 (e) Who uses an expired, suspended, or revoked
16 certificate issued by the board.

17 (f) Who represents himself or herself as, or uses the
18 title of, registered civil, electrical, or mechanical
19 engineer, or any other title whereby that person could be
20 considered as practicing or offering to practice civil,
21 electrical, or mechanical engineering in any of its
22 branches, unless he or she is correspondingly qualified by
23 registration as a civil, electrical, or mechanical engineer
24 under this chapter.

25 (g) Who, unless appropriately registered, manages, or
26 conducts as manager, proprietor, or agent, any place of
27 business from which civil, electrical, or mechanical
28 engineering work is solicited, performed, or practiced,
29 except as authorized pursuant to subdivision (d) of
30 Section 6738 and Section 8726.1.

31 (h) Who uses the title, or any combination of that title,
32 of “professional engineer,” “licensed engineer,”
33 “registered engineer,” or the branch titles specified in
34 Section 6732, or the authority titles specified in Section
35 6763, or “engineer-in-training,” or who makes use of any
36 abbreviation of that title that might lead to the belief that
37 he or she is a registered engineer or holds a certificate as
38 an engineer-in-training, without being registered or
39 certified as required by this chapter.

(i) Who uses the title “consulting engineer” without being registered as required by this chapter or without being authorized to use that title pursuant to legislation enacted at the 1963, 1965 or 1968 Regular Session.

(j) Who violates any provision of this chapter.

~~SEC. 26. Section 6795 of the Business and Professions Code is amended to read:~~

~~6795. Certificates of registration as a professional engineer, and certificates of authority, shall be valid for a period of two years from the assigned date of renewal. Biennial renewals shall be staggered on a monthly basis. To renew an unexpired certificate, the certificate holder shall, on or before the date of expiration indicated on the renewal receipt, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.~~

~~SEC. 27. Section 6799 of the Business and Professions Code is amended to read:~~

~~6799. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:~~

~~(a) The fee for filing each application for registration as a professional engineer and each application for authority level designation at not more than four hundred dollars (\$400), and for each application for certification as an engineer-in-training at not more than one hundred dollars (\$100).~~

~~(b) The temporary registration fee for a professional engineer at not more than 25 percent of the application fee in effect on the date of application.~~

~~(c) The renewal fee for each branch of professional engineering in which registration is held, and the renewal fee for each authority level designation held, at no more than the professional engineer application fee currently in effect.~~

~~(d) The fee for a retired license at not more than 50 percent of the professional engineer application fee in effect on the date of application.~~

~~(e) The delinquency fee at not more than 50 percent of the renewal fee in effect on the date of reinstatement.~~

~~(f) The board shall establish by regulation an appeal fee for examination. The regulation shall include provisions for an applicant to be reimbursed the appeal fee if the appeal results in passage of examination. The fee charged shall be no more than the costs incurred by the board.~~

~~(g) All other document fees are to be set by the board by rule.~~

~~Applicants wishing to be examined in more than one branch of engineering shall be required to pay the additional fee for each examination after the first.~~

~~SEC. 28.~~

~~SEC. 24. Section 8708 of the Business and Professions Code is amended to read:~~

~~8708. In order to safeguard property and public welfare, no person shall practice land surveying unless appropriately licensed or specifically exempted from licensure under this chapter, and only persons licensed under this chapter shall be entitled to take and use the titles "licensed land surveyor," "professional land surveyor," or "land surveyor," or any combination of these words, phrases, or abbreviations thereof.~~

~~SEC. 29. Section 8710 of the Business and Professions Code is amended to read:~~

~~8710. (a) The Board for Professional Engineers and Land Surveyors is vested with power to administer the provisions and requirements of this chapter, and may make and enforce rules and regulations that are reasonably necessary to carry out its provisions.~~

~~(b) The board may adopt rules and regulations of professional conduct that are not inconsistent with state or federal law. The rules and regulations shall include definitions of incompetence and negligence. Every person who holds a license or certificate issued by the board pursuant to this chapter, or a license or certificate issued to a civil engineer pursuant to Chapter 7 (commencing with Section 6700), shall be governed by these rules and regulations.~~

~~(c) This section shall become inoperative on July 1, 2003, and, as of January 1, 2004, is repealed, unless a later~~

~~1 enacted statute, which becomes effective on or before
2 January 1, 2004, deletes or extends the dates on which it
3 becomes inoperative and is repealed. The repeal of this
4 section shall render the board subject to the review
5 required by Division 1.2 (commencing with Section 473).
6 However, the review of this board shall be limited to only
7 those unresolved issues identified by the Joint Legislative
8 Sunset Review Committee.~~

~~9 SEC. 30.~~

10 *SEC. 25.* Section 8729 of the Business and Professions
11 Code is amended to read:

12 8729. (a) This chapter does not prohibit one or more
13 licensed land surveyors or civil engineers registered in
14 this state prior to 1982 (hereinafter called civil engineers)
15 from practicing or offering to practice within the scope
16 of their licensure, land surveying as a sole proprietorship,
17 partnership, firm, or corporation (hereinafter called
18 business), if the following conditions are satisfied:

19 (1) A land surveyor or civil engineer currently
20 licensed in the state is an owner, part owner, or officer in
21 charge of the land surveying practice of the business.

22 (2) All maps, plats, reports, descriptions, or other
23 documents are prepared under the responsible charge of
24 a land surveyor or civil engineer.

25 (3) The business name of a California business shall
26 only contain the name of a person licensed by the board
27 as a land surveyor or registered by the board in any year
28 as a civil engineer. Any offer, promotion, or
29 advertisement by the business which contains the name
30 of any individual in the business, other than by use of the
31 name of the individual in the business name, shall clearly
32 and specifically designate the license or registration
33 discipline of each individual named.

34 (b) An out-of-state business with a branch office in this
35 state shall meet the requirements of subdivision (a) and
36 shall have a part owner or officer who is in charge of the
37 land surveying work in this state, who is licensed in this
38 state, and who is physically present at the branch office
39 in this state on a regular basis. However, the name of the
40 business may contain the name of a person not licensed

1 in this state, if that person is appropriately licensed in
2 another state. Any offer, promotion, or advertisement
3 which contains the name of any individual in the business,
4 other than by use of the name of the individual in the
5 business name, shall clearly and specifically designate the
6 license or registration discipline of each individual
7 named.

8 (c) A fictitious name may be used for a land surveying
9 business if (1) the name does not conflict with the
10 provisions of paragraph (3) of subdivision (a) requiring
11 that a name used in the business name shall be that of an
12 appropriately licensed individual, and (2) an
13 organization record is filed with the board.

14 (d) A nonregistered person may also be a part owner
15 or an officer of a land surveying business if the conditions
16 of subdivision (a) are satisfied.

17 (e) This chapter does not prevent an individual or
18 business engaged in any line of endeavor, other than the
19 practice of land surveying, from employing or
20 contracting with a licensed land surveyor or a registered
21 civil engineer to perform the respective land surveying
22 services incidental to the conduct of business.

23 (f) This section shall not prevent the use of the name
24 of any business engaged in rendering land surveying
25 services, including the use by any lawful successor or
26 survivor, which lawfully was in existence on June 1, 1941.
27 However, the business is subject to the provisions of
28 paragraphs (1) and (2) of subdivision (a) and the
29 business shall file an organization record form with the
30 board as designated by board rule.

31 (g) A business engaged in rendering land surveying
32 services may use in its name the name of a deceased or
33 retired person if the following conditions are satisfied:

34 (1) The person's name had been used in the name of
35 the business, or a predecessor in interest of the business,
36 prior to the death or retirement of the person.

37 (2) The person shall have been an owner, part owner,
38 or officer of the business, or an owner, part owner, or
39 officer of the predecessor in interest of the business.

(3) The person shall have been licensed as a land surveyor or a civil engineer by the board, if operating a place of business or practice in this state, or by an applicable state board in the event no place of business existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another land surveying business in this state during the period of that consent, except that a retired person may use his or her name as the name of a new or purchased business, if that business is not identical in every respect to that person's name as used in the former business.

(5) The business shall be subject to paragraphs (1) and (2) of subdivision (a).

(6) The business files a current organization record form with the board.

(h) This section does not affect Sections 6731.2 and 8726.1.

~~SEC. 31.~~

SEC. 26. Section 8741.1 of the Business and Professions Code is amended to read:

8741.1. The second division of the examination for licensure as a land surveyor shall include an examination that incorporates a national examination for land surveying by a nationally recognized entity approved by the board, and a supplemental California specific examination. The California specific examination shall test the applicant's knowledge of the provisions of this chapter and the board's rules and regulations regulating the practice of professional land surveying in this state. The board shall prepare and distribute to applicants for the second division of the examination a plain language pamphlet describing the provisions of this chapter and the board's rules and regulations regulating the practice of land surveying in the state.

The board shall use the national examination on or before April 1, 2003. In the meantime, the board may continue to provide the current state-only second division examination and administer the test on the

1 provisions of this chapter and board rules as a separate
2 part of the second division examination for licensure as a
3 land surveyor.

4 ~~SEC. 32.~~

5 *SEC. 27.* Section 8747 of the Business and Professions
6 Code is amended to read:

7 8747. Any applicant who has passed the examinations
8 prescribed by the board shall have a suitable license
9 issued to him or her.

10 (a) An applicant who has passed the first division of the
11 examination shall be issued a certificate as a land
12 surveyor-in-training. No renewal or other fee, other than
13 the application fee, shall be charged for this certification.
14 This certificate shall become invalid upon the person
15 passing the second division of the examination and being
16 issued a license as a land surveyor, as provided in
17 subdivision (b). A land surveyor-in-training certificate
18 shall not authorize the holder thereof to practice or offer
19 to practice land surveying. No person shall use the title of
20 land surveyor-in-training, or any abbreviation of this title,
21 unless he or she is the holder of a valid land
22 surveyor-in-training certificate.

23 (b) An applicant who has passed the second division of
24 the examination shall be issued a license as a land
25 surveyor. The license shall authorize him or her to
26 practice as a land surveyor.

27 ~~SEC. 33.~~

28 *SEC. 28.* Section 8751 of the Business and Professions
29 Code is amended to read:

30 8751. No person shall represent himself or herself as,
31 or use the title of, or any abbreviation or combination of
32 the words in the title of, professional land surveyor,
33 licensed land surveyor, land surveyor, land survey
34 engineer, survey engineer, geodetic engineer, or
35 geometronic engineer unless he or she is the holder of a
36 valid, unsuspended, and unrevoked license.

37 ~~SEC. 34.~~

38 *SEC. 29.* Section 8753 of the Business and Professions
39 Code is amended to read:

1 8753. A temporary authorization to practice as a
2 professional land surveyor, as defined by this chapter,
3 may be granted for a specific project, upon application
4 and payment of the fee prescribed in Section 8805, for a
5 period not to exceed 180 days, if the applicant complies
6 with each of the following provisions:

7 (a) The applicant maintains no place of business in this
8 state.

9 (b) The applicant is legally qualified to practice land
10 surveying in the state or country where he or she
11 maintains a place of business.

12 (c) The applicant demonstrates by means of an
13 individual appearance before the board satisfactory
14 evidence of his or her knowledge of the practice of land
15 surveying in this state as related to the specific project for
16 which the temporary authorization is requested.

17 (d) The applicant takes and passes the examination in
18 the state laws and board rules described in Section 8741.1.

19 (e) The applicant notifies the board in writing of his or
20 her intention to practice, stating the approximate date
21 when he or she intends to commence the specific project
22 and the approximate duration of the specific project,
23 which shall not exceed 180 consecutive days from the
24 commencement date of the specific project.

25 Upon completion of the requirements, the executive
26 officer, on the direction of the board, shall issue a
27 temporary authorization to the applicant.

28 ~~SEC. 35. Section 8761 of the Business and Professions~~
29 ~~Code is amended to read:~~

30 ~~8761. Any licensed land surveyor or registered civil~~
31 ~~engineer may practice land surveying and prepare maps,~~
32 ~~plats, reports, descriptions, or other documentary~~
33 ~~evidence in connection therewith. All maps, plats,~~
34 ~~reports, descriptions, or other documents issued by the~~
35 ~~licensed land surveyor or registered civil engineer shall~~
36 ~~be signed by the surveyor or engineer to indicate the~~
37 ~~surveyor's or engineer's responsibility for them. In~~
38 ~~addition to the signature, the map, plat, report,~~
39 ~~description, or other document shall bear the seal or~~
40 ~~stamp of the licensee or registrant and the expiration date~~

~~of the license or registration. If the map, plat, report, description, or other document has multiple pages or sheets, the signature, seal or stamp, and expiration date of the license or registration need only appear on the originals of the map or plat and on the title sheet of the report, description, or other document.~~

~~Every map or plat issued by a licensed land surveyor or registered civil engineer shall show the bearing and length of lines, scale of map and north arrow, the name and legal designation of the property depicted, and the date or time period of the preparation of the map or plat.~~

~~It is unlawful for any person to sign, stamp, seal, or approve any map, plat, report, description, or other document unless the person is authorized to practice land surveying.~~

~~It is unlawful for any person to stamp or seal any map, plat, report, description, or other document with the seal after the certificate of the licensee that is named on the seal has expired or has been suspended or revoked, unless the certificate has been renewed or reissued.~~

~~SEC. 36.~~

SEC. 30. Section 8773.4 of the Business and Professions Code is amended to read:

8773.4. (a) No corner record shall be filed unless the same is signed by a licensed land surveyor or registered civil engineer and stamped with his or her seal, or in the case of an agency of the United States government or the State of California the certificate may be signed by the chief of the survey party making the survey, setting forth his or her official title.

(b) No corner record need be filed when:

(1) A corner record is on file and the corner is found as described in the existing corner record.

(2) All conditions of Section 8773 are complied with by proper notations on a record of survey map filed in compliance with the Land Surveyor's Act or a parcel or subdivision map, in compliance with the Subdivision Map Act.

(3) When the survey is a survey of a mobilehome park interior lot as defined in Section 18210 of the Health and

1 Safety Code, provided that no subdivision map, official
2 map, or record of survey has been previously filed for the
3 interior lot or no conversion to residential ownership has
4 occurred pursuant to Section 66428.1 of the Government
5 Code.

6 This section shall not apply to maps filed prior to
7 January 1, 1974.

8 ~~SEC. 37.~~

9 ~~SEC. 31.~~ Section 8775 of the Business and Professions
10 Code is amended to read:

11 8775. No person shall use the title or any abbreviation
12 of the title photogrammetrist or photogrammetric
13 surveyor unless he or she holds registration as a civil
14 engineer or licensed land surveyor, or unless he or she is
15 licensed as a photogrammetric surveyor.

16 ~~SEC. 38.~~ Section 8780 of the Business and Professions
17 Code is amended to read:

18 8780. ~~The board may receive and investigate~~
19 ~~complaints against licensed land surveyors and registered~~
20 ~~civil engineers, and make findings thereon. By a majority~~
21 ~~vote, the board may suspend for a period not to exceed~~
22 ~~two years, or revoke the license or certificate of any~~
23 ~~licensed land surveyor or registered civil engineer,~~
24 ~~respectively, licensed under this chapter or registered~~
25 ~~under the provisions of Chapter 7 (commencing with~~
26 ~~Section 6700), whom it finds to be guilty of:~~

27 (a) ~~Any fraud, deceit, misrepresentation, negligence,~~
28 ~~or incompetency in his or her practice of land surveying.~~

29 (b) ~~Any negligence or incompetence in his or her~~
30 ~~practice of land surveying.~~

31 (c) ~~Any fraud or deceit in obtaining his or her license.~~

32 (d) ~~Any violation of any provision of this chapter or of~~
33 ~~any other law relating to or involving the practice of land~~
34 ~~surveying.~~

35 (e) ~~Any conviction of a crime substantially related to~~
36 ~~the qualifications, functions and duties of a land surveyor.~~
37 ~~The record of the conviction shall be conclusive evidence~~
38 ~~thereof.~~

39 (f) ~~Aiding or abetting any person in the violation of~~
40 ~~any provision of this chapter.~~

1 ~~(g) A breach of contract in connection with the~~
2 ~~practice of land surveying.~~

3 ~~(h) A violation in the course of the practice of land~~
4 ~~surveying of a rule or regulation of unprofessional~~
5 ~~conduct adopted by the board.~~

6 ~~SEC. 39.~~

7 *SEC. 32.* Section 8780.1 is added to the Business and
8 Professions Code, to read:

9 8780.1. The board may receive and investigate
10 complaints against land surveyors-in-training, and make
11 findings thereon.

12 By a majority vote, the board may revoke the
13 certificate of any land surveyor-in-training:

14 (a) Who has been convicted of a crime as defined in
15 subdivision (a) of Section 480.

16 (b) Who has been found guilty of any fraud, deceit, or
17 misrepresentation in obtaining his or her land
18 surveyor-in-training certificate or license as a professional
19 land surveyor.

20 (c) Who aids or abets any person in the violation of any
21 provision of this chapter.

22 (d) Who violates Section 119 with respect to a land
23 surveyor-in-training certificate or commits any act
24 described in Section 8792.

25 (e) Any violation of any provision of this chapter.

26 ~~SEC. 40.~~

27 *SEC. 33.* Section 8781 of the Business and Professions
28 Code is amended to read:

29 8781. The proceedings under this article shall be
30 conducted in accordance with Chapter 4 (commencing
31 with Section 11370), Chapter 4.5 (commencing with
32 Section 11400), and Chapter 5 (commencing with Section
33 11500) of Part 1 of Division 3 of Title 2 of the Government
34 Code, and the board shall have all the powers granted
35 therein.

36 ~~SEC. 41.~~

37 *SEC. 34.* Section 8792 of the Business and Professions
38 Code is amended to read:

39 8792. Every person is guilty of a misdemeanor:

1 (a) Who, unless he or she is exempt from licensing
2 under this chapter, practices, or offers to practice, land
3 surveying in this state without legal authorization.

4 (b) Who presents as his or her own the license of a
5 professional land surveyor unless he or she is the person
6 named on the license.

7 (c) Who attempts to file as his or her own any record
8 of survey under the license of a professional land
9 surveyor.

10 (d) Who gives false evidence of any kind to the board,
11 or to any member, in obtaining a license.

12 (e) Who impersonates or uses the seal of a professional
13 land surveyor.

14 (f) Who uses an expired, suspended, or revoked
15 license.

16 (g) Who represents himself or herself as, or uses the
17 title of, professional land surveyor, or any other title
18 whereby that person could be considered as practicing or
19 offering to practice land surveying, unless he or she is
20 correspondingly qualified by licensure as a land surveyor
21 under this chapter.

22 (h) Who uses the title, or any combination of that title,
23 of “professional land surveyor,” “licensed land surveyor,”
24 “land surveyor,” or the titles specified in Sections 8751
25 and 8775, or “land surveyor-in-training,” or who makes
26 use of any abbreviation of that title that might lead to the
27 belief that he or she is a licensed land surveyor or holds
28 a certificate as a land surveyor-in-training, without being
29 licensed or certified as required by this chapter.

30 (i) Who, unless appropriately licensed, manages, or
31 conducts as manager, proprietor, or agent, any place of
32 business from which land surveying work is solicited,
33 performed, or practiced, except as authorized pursuant
34 to Section 6731.2 and subdivision (d) of Section 8729.

35 (j) Who violates any provision of this chapter.

36 ~~SEC. 42. Section 8801 of the Business and Professions~~
37 ~~Code is amended to read:~~

38 ~~8801. Licenses issued under this chapter expire every~~
39 ~~two years, if not renewed. Biennial renewals shall be~~
40 ~~staggered on a quarterly basis. To renew an unexpired~~

1 ~~license the license holder shall on or before the date of~~
2 ~~expiration indicated on the renewal receipt, apply for~~
3 ~~renewal on a form prescribed by the board, and pay the~~
4 ~~renewal fee prescribed by this chapter.~~

5 ~~SEC. 43. Section 8805 of the Business and Professions~~
6 ~~Code is amended to read:~~

7 ~~8805. The amount of the fees prescribed by this~~
8 ~~chapter shall be fixed by the board in accordance with the~~
9 ~~following schedule:~~

10 ~~(a) The fee for filing each application for licensure as~~
11 ~~a land surveyor at not more than four hundred dollars~~
12 ~~(\$400), and for each application for certification as a land~~
13 ~~surveyor in training (LSIT) at not more than one~~
14 ~~hundred dollars (\$100).~~

15 ~~(b) The temporary registration fee for a land surveyor~~
16 ~~at not more than 25 percent of the application fee in effect~~
17 ~~on the date of application.~~

18 ~~(c) The renewal fee for a land surveyor at not more~~
19 ~~than the application fee.~~

20 ~~(d) The fee for a retired license at not more than 50~~
21 ~~percent of the professional land surveyor application fee~~
22 ~~in effect on the date of application.~~

23 ~~(e) The delinquency fee at not more than 50 percent~~
24 ~~of the renewal fee in effect on the date of reinstatement.~~

25 ~~(f) The board shall establish by regulation an appeal~~
26 ~~fee for examination. The regulation shall include~~
27 ~~provisions for an applicant to be reimbursed the appeal~~
28 ~~fee if the appeal results in passage of examination. The fee~~
29 ~~shall be no more than the costs incurred by the board.~~

30 ~~(g) All other document fees are to be set by the board~~
31 ~~by rule.~~

32 ~~SEC. 44.~~

33 ~~SEC. 35. No reimbursement is required by this act~~
34 ~~pursuant to Section 6 of Article XIII B of the California~~
35 ~~Constitution because the only costs that may be incurred~~
36 ~~by a local agency or school district will be incurred~~
37 ~~because this act creates a new crime or infraction,~~
38 ~~eliminates a crime or infraction, or changes the penalty~~
39 ~~for a crime or infraction, within the meaning of Section~~
40 ~~17556 of the Government Code, or changes the definition~~

- 1 of a crime within the meaning of Section 6 of Article
- 2 XIII B of the California Constitution.

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